

UNITED STATES DISTRICT COURT

for the
Eastern District of Pennsylvania

Thomas Robert Ferretti

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

(to be filled in by the Clerk's Office)

-v-
Northampton County Jail
Northampton Court of Common Pleas
Northampton Police

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Northampton County Drug & Alcohol

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

Northampton County Probation (Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Thomas Robert Ferretti

All other names by which
you have been known:

Tom

ID Number

0010562

Current Institution

Northampton County Jail

Address

666 Walnut St.

Easton

PA

18042

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Northampton County Jail

Job or Title (*if known*)

Shield Number

Employer

Address

666 Walnut St.

Easton

PA

18042

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

Defendant No. 2

Name

Northampton County Courts

Job or Title (*if known*)

Shield Number

Employer

Address

669 Washington St.

Easton

PA

18042

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

Northampton County Probation
Matt Cwynar

105 S Union St.
Easton PA 18042

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

Northampton County Drug & Alcohol
Alfonso

610-829-41725

2801 EMRICK BLVD

Bethlehem PA 18020

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☒

Federal officials (a *Bivens* claim)

☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Federal Rules of Civil Procedure 5.2

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Please note I am Pro Se & have limited resources - I will be more specific in the future.

Wrongful Imprisonment Personal Security Defamation of Character Freedom

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

- Probation - gave me legal advice
- Drug & Alcohol Evaluator mis used his authority based upon a previous interaction that was not pleasant
- Error of the Court wrongfully imprisoned

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☒ Other (explain) Detained by probation for an alleged summary probation violation of scattering rubbish.

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

Well all events happened either in prison (Northampton) at the probation office in Easton, at the Police station in Northampton and at my home residence (728 Washington Ave 18067)

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

In my Cell - In treatment - In the Shower area

C. What date and approximate time did the events giving rise to your claim(s) occur?

Between 11/30/20 - 3/1/21 and between
6/11/21 - present, Oh - also 12/17/19 at approx. 11pm

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I was wrongfully accused of keeping my girlfriend locked up against her will at my house - Police searched residence and left. later on arrested me for reporting a crime that occurred next door to my house.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Will disclose at a later date.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

First - I want a sincere apology. Then I want my criminal record cleared. I want my mom & Dad to come back to life for 3 years (the 3 years that were taken from me due to court errors and wrongful imprisonments)
How Much \$? I Don't Know -
To Be Determined.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

- ☒ Yes Some of them
☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Northampton County Jail 666 Walnut St. Easton, PA
180412

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

- ☒ Yes
☐ No
☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

- ☐ Yes
☐ No
☒ Do not know

If yes, which claim(s)?

I've wrote Six (6) different request slips and spoke to Case Manager, 3 different Lieutenants and over 5 different C.O.s to request an NCP-167 form and failed to receive one.

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

- Can't get a form. (Form NCP-167)

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

N/A

2. What did you claim in your grievance?

N/A

3. What was the result, if any?

N/A

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

Because after following all procedures to request a grievance form (NCP-167) I still have not received one.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

Judge Rosielli - Court Verbally - About Probation
Dally - Corrections Officer
Case manager - Shiela Bell (verbally)

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.
Was not specific in some instances - worried about retaliation

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IV. Statement of Claim

①

D. The facts underlying my claim is as follows:
What happened to you?

I was brutally attacked by another inmate who was angry at me because I was using the telephone next to him as he was on the phone. This gentleman cursed at me and said things of a threatening nature and I continued about my phone call ignoring him until he reached over and pushed the receiver down and hung up (disconnected) my call and said "That's right motherfucker" in a mean, angry tone being very aggressive then started punching me in the head numerous times.

This inmate was also on a different classification level and was not suppose to be out of his cell at the time but as a favor from the Corrections Officer (Steve) was let out to try to post bail as this inmate was just recently incarcerated days before the incident.

It was my sections block out time (designated time for an inmate to be out of his/her cell) and at →

the time was a 2 1/2 (two and a half) hour @ span of time ~~due~~ due to Covid 19 restrictions.

We were blocked out for not even 10 minutes when the incident occurred.

Corrections Officer Steve witnessed the entire event and was approximately 50 feet away when he noticed ~~was~~ what was going on and screamed "Hey-Stop" and was on his way over to break up the altercation but then fell down and scraped up his arm. Steve has thin skin from diabetes and his ~~a~~ top half of his forearm was split open.

Corrections officer Steve immediately locked the other inmate back into his designated cell (Cell #22 on Pod 2c I believe) and also locked me back into my designated cell (Cell #36).

C.O. Steve asked me and I quote "Do You Want To Press It?" Meaning do I want to report it. I said "yes" then he locked my cell door

and told me that I lose my "out time" ③
because I wanted to report it. And I want
to make a note that there was a lock down
the day before and because of the lockdown
no-one had any "out time".

So I said to him real quickly "No, no - I
don't want to "press it" and then he came
back to my cell and unlocked my door
and let me continue my outtime.

I sat down in one of the chairs by
the television area and was absorbing the
events that just took place as the top
of my head swelled up and the worst
headache I ever had set in. I asked
the C.O. Steve if I could go to medical
and he said he would call down. No one
from medical ever did respond and I received
no medical treatment. Although, during the →

afternoon "med pass", the nurse giving ⁽⁴⁾ out the medication to those inmates deemed necessary and asked the nurse for some tylenol, peroxide and band-aides because I was bleeding in the head and on the leg as I was taking cover and ducked trying to avoid getting hit. The nurse told me to fill out a "Sick Call Slip" and she would take it down to medical for me. She refused to give me medical attention at that moment.

At the end of our "out time" when it was time for us to "lock in" I then told the C.O. that "Yes, I want to Press it!"

He was upset with me and angry at me and asked me why I told him earlier that I didn't want to Press it (or

report it) and I ~~is~~ responded because ⁵ you were going to take away my "Out time" and punish me as I was the victim and I was the one who was brutally attacked and took countless blows to the head experiencing Blunt Force Trauma to the head based upon his negligence.

Corrections Officer Steve seems to me in my opinion to be a good person and any interactions I've had with him were of a pleasant nature and I know that he is a senior or veteran officer as he has been a Corrections Officer for over 20 (twenty) years and counting →

but as he was trying to "do a favor" ⑥ for someone and let them make a phone call when it wasn't his time to be out of his cell jeopardized my personal security and the safety & security of the prison population as POD 2C was at the time the quarantine POD for all inmates and it was my last day of quarantine (3 weeks - or 21 Days at that time) and the other inmate (the ~~person~~ person who attacked me) was on his third or fourth day of quarantine.

Anyway - after telling the C.O. that I wanted to report it he told me that his shift was about to end and to be careful because everyone in the inmate population will label me as a "RAT" or a "Snitch" and when you are in,

any correctional facility a "rat" or a "snitch" is the ut most worst thing you can be!

I felt intimidated and as a result almost didn't report it.

C.O. Steve's intentions I believe were not to intimidate ~~me~~ but was looking out for me. I only learned this after reporting it. The last thing C.O. Steve said to me is to tell the "White Shirt" when he does his round next shift. The "White Shirt" is the Lieutenant or "LT" for short. The LT is the C.O.'s Direct Report.

C.O. Steve finished his shift and went home and when the "white shirt" was doing his "rounds" (A walk-through of the entire block passing every cell) I stopped

him and said to him "Look at the ⑧
camera's by the telephones at or about
12:30pm and he proceeded with his
rounds and about 15-20 minutes later that
same Lieutenant with 4-5 other C.O.'s
came to my cell, hand-cuffed me
and took me away and put me in the
"Whole" and put me on "AG" status -
also known as Administrative Segregation.

At that point - in the elevator I was
told to "Smarter Up" and to "Keep my
mouth shut" as this was for my
protection.

Before I could get off the block C.O.
Steve was right - the entire block was calling
me a "snitch" and a "RAT" and a "COP"
and they were threatening me saying
that they were going to Kill me and

"Kill my family"! To me the threat was ⁽⁹⁾ real and serious. And to make matters worse just a week before this incident I was fronted some commissary and I would have someone (my mother) put \$ money on their books (inmate account). I kept up my end of the bargain and asked my Angel on the outside (my mom) to help me out ~~of~~ and she went to the post office and got a money order and ~~a~~ I gave the guys info (name and inmate number) Shareef I think his name was and she mailed in the money order.

When your in Lehigh County Jail and receive money on your inmate account you get a receipt stating the date, the amount of deposit and the full name →

of the person who sent you the ⑩ money.

So - now I have about 50 (fifty) complete strangers calling me a "Cop" and saying that they are going to kill me and my family and they have my mom's full name I'm concerned about the safety for my family.

I stressed this to the "LT" and he told me to be careful and to focus on myself and that I should be concerned about my own safety.

When I got to the "whole" - they already knew of the situation and were calling ^{me} ~~me~~ a "Rat" and I'm not sure how they found out so quickly but it was specific to me as they had detailed information →

Whats incredible is that not even ⑪
1 (one) year later my mom & dad are both
dead. My mother died December 31st, 2020
& my father died in mid April, 2021.

Due to an incarceration and a
mistake by the courts in Northampton
County, I was unable to attend my
mothers funeral, and due to probation
and it to be a violation to attend my
father's funeral because it was out of
state and my probation officer was
unavailable I did not attend my father's
funeral as well. It also has a lot to do
with a PREA (Prison RAPE ~~ELI~~ ~~ELI~~
Elimination Act) incident that occurred
and me not being able to face and be
together with all of my family, →

friends, neighbors and all the others that^② were close to me and my family.

Since this incident, I have been denied medical treatment but C.O. Stove was able to have his forearm looked at and attended to (disinfected, bandaged and wrapped/taped up with gauze from the same nurse who was administering medication during my "out-time". That is the same nurse that instructed me to fill out a medical slip.

This right now, is my ninth time being incarcerated and all nine incarcerations are for probation violations - just letting it be known for the record as to I would have violated my probation →

as to when I was on my routine (13)
monthly one on one meeting with my
probation officer Matt Cwynar (Northampton
County Probation) and let him know of
my father's passing - he responded "So you
went to your father's funeral?!" - as he
knew of my father living out of state
and he was really telling me that "you
violated your probation" but I responded
"No, I did not"!

When I was released from Lehigh
County Prison I immediately made an
appointment with my doctor (Whitchell
Family Practice) and scheduled an appointment
to have my head properly looked over and
examined. The appointment was cancelled
a few days before the appointment →

because the county stopped my State medical health insurance - (114)
because I was incarcerated. So I had
no insurance so they would not see me.
Before I could fix it I was incarcerated
again for another probation violation.

Since this incident, my head is
very sensitive, I get frequent
headaches and they are excruciating and
are known as migraine headaches. My vision
has also been effected as things are
blurry and I am very sensitive to
light.

The gentleman who hit me was a very
large, muscular guy who later ~~said~~
said he attacked me because he thought

I was an FBI agent listening in ⁽¹⁵⁾ on his phone call trying to arrest him.

I have paranoid / Schizophrenia tendencies from this experience thinking that people are after me and my ~~family~~ family and my girlfriend and her family. I broke up with her for her safety and her families safety as well.

I can't hold a job anymore ~~because~~ because of this and I want justice and I want restitution,


I want it to be easier for others who are victimized whether it be

physically, sexually, mentally,
emotionally, spiritually or in any
other sense.

Its amazing on how an event that
was less than 1 minute long has such
a profound outcome and how it
literally changed my life in a negative
way all because an individual was
delusional based on his drug abuse
and his dealings with Crystal Meth.

State of Pennsylvania
County of Northampton
sworn and subscribed
before me on 7/29/21
By Thomas Ferretti
Alice F Flavelle
Notary Public

Commonwealth of Pennsylvania - Notary Seal
ALICE F FLAVELLE - Notary Public
Northampton County
My Commission Expires April 18, 2025
Commission Number 1051066

Respectfully,
Thomas Ferretti


29th July 2021

Thomas Ferretti
728 Washington Ave
Northampton, PA 18067



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